

JS 44 (Rev. 9/77)

**ORIGINAL****CIVIL COVER SHEET**

05-683

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Donald E. ROBERTS, JR.

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

NCC

**DEFENDANTS**

Warden Thomas J. CARROLL ET AL

County of Residence of First Listed  
(IN U.S. PLAINTIFF CASES ONLY)

NCC

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

1181 GADDOCK RD 17AUS  
SMYRNA, DE 19977-9679

Attorneys (If Known)

1 DEPT OF JUSTICE  
820 N. FRENCH ST  
WILM, DE 19801**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- G 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- G 2 U.S. Government Defendant ☐ G 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ DEF G 1 Incorporated or Principal Place of Business In This State G 4 DEF G 4
- Citizen of Another State G 2 G 2 Incorporated and Principal Place of Business In Another State G 5 G 5
- Citizen or Subject of a Foreign Country G 3 G 3 Foreign Nation G 6 G 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
G 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	G 610 Agriculture	G 422 Appeal 28 USC 158	G 400 State Reapportionment	
G 120 Marine	G 310 Airplane	G 362 Personal Injury—	G 620 Other Food & Drug	G 423 Withdrawal 28 USC 157	G 410 Antitrust	
G 130 Miller Act	G 315 Airplane Product Liability	Med. Malpractice	G 625 Drug Related Seizure of Property 21 USC	<b>PROPERTY RIGHTS</b>	G 430 Banks and Banking	
G 140 Negotiable Instrument	G 320 Assault, Libel & Slander	365 Personal Injury—	G 630 Liquor Laws	G 820 Copyrights	G 450 Commerce/ICC Rates/etc.	
G 150 Recovery of Overpayment & Enforcement of Judgment	G 330 Federal Employers Liability	Product Liability	G 640 R.R. & Truck	G 830 Patent	G 460 Deportation	
G 151 Medicare Act	G 340 Marine	368 Asbestos Personal Injury Product Liability	G 650 Airline Regs.	G 840 Trademark	G 470 Racketeer Influenced and Corrupt Organizations	
G 152 Recovery of Defaulted Student Loans (Excl. Veterans)	G 345 Marine Product Liability	<b>PERSONAL PROPERTY</b>	G 660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	G 810 Selective Service	
G 153 Recovery of Overpayment of Veteran's Benefits	G 350 Motor Vehicle	G 370 Other Fraud	G 690 Other	G 861 HIA (1395ff)	G 850 Securities/Commodities/Exchange	
G 160 Stockholders' Suits	G 355 Motor Vehicle Product Liability	G 371 Truth in Lending	<b>LABOR</b>	G 862 Black Lung (923)	G 875 Customer Challenge 12 USC 3410	
G 190 Other Contract	G 360 Other Personal Injury	G 380 Other Personal Property Damage	G 710 Fair Labor Standards Act	G 863 DIWC/DIWW (405(g))	G 891 Agricultural Acts	
G 195 Contract Product Liability		G 385 Property Damage Product Liability	G 720 Labor/Mgmt. Relations	G 864 SSID Title XVI	G 892 Economic Stabilization Act	
			G 730 Labor/Mgmt. Reporting & Disclosure Act	G 865 RSI (405(g))	G 893 Environmental Matters	
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	G 740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	G 894 Energy Allocation Act	
G 210 Land Condemnation	G 441 Voting	<input checked="" type="checkbox"/> 510 Motions to Vacate Sentence	G 790 Other Labor Litigation	G 870 Taxes (U.S. Plaintiff or Defendant)	G 895 Freedom of Information Act	
G 220 Foreclosure	G 442 Employment	Habeas Corpus:	G 791 Empl. Ret. Inc. Security Act	G 871 IRS—Third Party 26 USC 1609	G 900 Appeal of Fee Determination Under Equal Access to Justice	
G 230 Rent Lease & Ejectment	G 443 Housing/Accommodations	G 530 General			G 950 Constitutionality of State Statutes	
G 240 Torts to Land	G 444 Welfare	G 535 Death Penalty			G 990 Other Statutory Actions	
G 245 Tort Product Liability	G 440 Other Civil Rights	G 540 Mandamus & Other				
G 290 All Other Real Property		G 550 Civil Rights				
		G 555 Prison Condition				

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding G 2 Removed from State Court G 3 Remanded from Appellate Court G 4 Reinstated or Recopened G 5 Transferred from another district (specify)

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC § 2254

**FILED**Appeal to District Judge from Magistrate Judge's decision  
SEP 16 2005U.S. DISTRICT COURT  
DISTRICT OF DELAWARE**VII. REQUESTED IN COMPLAINT:**

G CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes G No**VIII. RELATED CASE(S) IF ANY**

NONE

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE